

105TH CONGRESS
1ST SESSION

S. 761

To amend the Rehabilitation Act of 1973 to establish certain additional requirements relating to electronic and information technology accessibility guidelines for individuals with disabilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 16, 1997

Mr. DODD (for himself and Mr. HARKIN) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Rehabilitation Act of 1973 to establish certain additional requirements relating to electronic and information technology accessibility guidelines for individuals with disabilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Electronic and
5 Information Technology Accessibility Compliance Act of
6 1997”.

7 **SEC. 2. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—Congress finds the following:

1 (1) There are approximately 145,000 Federal
2 employees with disabilities and these employees com-
3 prise 7.5 percent of the Federal workforce.

4 (2)(A) Although section 508 of the Rehabilita-
5 tion Act of 1973 (29 U.S.C. 794d) requires Federal
6 agencies to comply with Federal guidelines to ensure
7 that electronic and information technology used by
8 such agencies is accessible to individuals with dis-
9 abilities, there is no enforcement mechanism in such
10 Act to provide for compliance.

11 (B) As a result, Federal agencies have an un-
12 even record of offering accessible technologies to
13 their employees with disabilities.

14 (3)(A) States or other recipients of assistance
15 under section 102 of the Technology-Related Assist-
16 ance for Individuals With Disabilities Act of 1988
17 (29 U.S.C. 2212) currently are required to comply
18 with the guidelines established under section 508 of
19 the Rehabilitation Act of 1973.

20 (B) The authority for section 102 of the Tech-
21 nology-Related Assistance for Individuals With Dis-
22 abilities Act of 1988 is expected to expire in 1998,
23 eliminating the link between the States and the
24 guidelines established under section 508 of the Re-
25 habilitation Act of 1973.

1 (b) PURPOSES.—The purposes of this Act are—

2 (1) to strengthen compliance by Federal agen-
 3 cies with the guidelines established under section
 4 508 of the Rehabilitation Act of 1973 (29 U.S.C.
 5 794d); and

6 (2) to require States to continue to comply with
 7 such guidelines.

8 **SEC. 3. REQUIREMENT THAT FEDERAL AGENCIES PROVIDE**
 9 **CERTIFICATION OF COMPLIANCE WITH ELEC-**
 10 **TRONIC AND INFORMATION TECHNOLOGY**
 11 **ACCESSIBILITY GUIDELINES UNDER THE RE-**
 12 **HABILITATION ACT OF 1973.**

13 Section 508(b) of the Rehabilitation Act of 1973 (29
 14 U.S.C 794d(b)) is amended to read as follows:

15 “(b) COMPLIANCE.—

16 “(1) IN GENERAL.—Each Federal agency shall
 17 comply with the guidelines established under this
 18 section.

19 “(2) CERTIFICATION.—

20 “(A) ESTABLISHMENT OF CERTIFICATION
 21 PROCEDURES.—The Director of the Office of
 22 Management and Budget shall establish uni-
 23 form procedures under which the head of each
 24 Federal agency shall submit to the Director a
 25 written certification, containing such informa-

tion as the Director may reasonably require,
that such agency is in compliance with the
guidelines established under this section.

“(B) SUBMISSION OF CERTIFICATION.—

Not later than September 30 of each year, the
head of each Federal agency shall submit to the
Director of the Office of Management and
Budget a written certification in accordance
with the procedures established under subpara-
graph (A).

“(C) REVIEW OF CERTIFICATION.—The

Director of the Office of Management and
Budget—

“(i) shall review each certification
submitted by each Federal agency under
subparagraph (B); and

“(ii) shall provide notice to each such
Federal agency that such agency is either
in compliance or not in compliance with
the guidelines established under this sec-
tion, as the case may be.

“(D) ASSISTANCE FOR AND MONITORING

OF AGENCIES NOT IN COMPLIANCE.—In the
case of a Federal agency that is not in compli-
ance with the guidelines established under this

section, the Director of the Office of Management and Budget—

“(i) shall assist such agency in efforts to comply with such guidelines; and

“(ii) shall monitor the progress of such agency to comply with such guidelines.”.

SEC. 4. REQUIREMENT THAT STATES CONTINUE TO COMPLY WITH ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY GUIDELINES UNDER TITLE I OF THE REHABILITATION ACT OF 1973.

(a) IN GENERAL.—Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C 721(a)) is amended—

(1) in paragraph (35), by striking “and” at the end;

(2) in paragraph (36), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(37) provide assurances that the State, or any recipient of funds made available to the State under this title, will comply with the guidelines established under section 508(a).”.

(b) EFFECTIVE DATE.—Paragraph (37) of section 101(a) of the Rehabilitation Act of 1973, as added by sub-

1 section (a), shall take effect 1 year after the date of enact-
2 ment of this Act.

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